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2003 OCT -6 P 1: 03

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 5121
DATE COMPLAINT FILED: 10/19/00
DATE OF NOTIFICATION: 10/27/00
DATE ACTIVATED: 7/26/01

EXPIRATION OF STATUTE OF
LIMITATIONS: 6/24/04

COMPLAINANT:

Donald F. McGahn II, General Counsel,
National Republican Congressional
Committee

RESPONDENTS:

New Democrat Network
and Simon Rosenberg, as treasurer
Sue Brodsky Burnett
Calvin M. Dooley
Timothy J. Roemer
John B. Breaux
Joseph I. Lieberman
Bob Graham
Mary L. Landrieu
Blanche Lambert Lincoln
James P. Moran, Jr.
Adam Smith
Dooley for Congress and
Stephen J. Kaufman, as treasurer¹
Hoosiers for Tim Roemer and
Christine A. Lauber, as treasurer
Mike Ross for Congress Committee and
W. Herman Brown, as treasurer
Mike Honda for Congress and
James E. Towery, as treasurer
Schiff for Congress and
Stephen J. Kaufman, as treasurer²

¹ James Wise was treasurer of Dooley for Congress at the time of the events described herein.

² Adam Schiff was treasurer of Schiff for Congress at the time of the events described herein.

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Susan Davis for Congress and
Carolyn J. Witt, as treasurer
Linda Chapin for Congress and
William A. Beckett, as treasurer
Elaine Bloom for Congress and
Richard A. Berkowitz, as treasurer
Lauren Beth Gash for Congress and
Barry J. Shapiro, as treasurer
Byrum for Congress and
Hilda Patricia Curran, as treasurer
Matheson for Congress and
Allen Sims, as treasurer
Citizens to Elect Rick Larsen and
Robert Anderson, as treasurer
Friends of Jane Harman and
Ted W. Lieu, as treasurer³
Baesler for Congress and
Mike Foley, as treasurer
Inslee for Congress and
Linda Mitchell, as treasurer⁴
Friends of Jim Maloney, Inc. and
Patricia Draper, as treasurer
Rush Holt for Congress, Inc. and
Pamela H. Mount, as treasurer⁵
Adam Smith for Congress and
Katy Andrew, as treasurer
Moore for Congress and
Constance Shidler, as treasurer⁶
Carper for Senate 2000 and
Patricia P. McGonigle, as treasurer
Bill Nelson for U.S. Senate and
Peggy Gagnon, as treasurer
Zell Miller for Senate, Inc. and
Keith W. Mason, as treasurer
Stabenow for U.S. Senate and
Angela M. Autera, as treasurer
Carnahan for Senate Committee and
Lisa L. Lindsey, as treasurer⁷

¹ Alan Schwartz was treasurer of Friends of Jane Harman at the time of the events described herein.

⁴ Hazel A. Russell was treasurer of Inslee for Congress at the time of the events described herein.

⁵ Edmund W. Stiles was treasurer of Rush Holt for Congress, Inc. at the time of the events described herein.

⁶ Ellen Laner was treasurer of Moore for Congress at the time of the events described herein.

⁷ Rebecca Lambe was treasurer of Carnahan for Senate Committee at the time of the events described herein.

Nelson 2000 and
Susan K. Landow, as treasurer⁸
Robb for the Senate and
Thomas J. Lehner, as treasurer⁹
Gore/Lieberman, Inc. and
Jose Villarreal, as treasurer

RELEVANT STATUTES AND REGULATIONS: 2 U.S.C. § 433(b)(2)
2 U.S.C. § 441a(a)(1)
2 U.S.C. § 441a(a)(2)
2 U.S.C. § 441a(a)(5)
2 U.S.C. § 441a(a)(8)
2 U.S.C. § 441a(f)
2 U.S.C. § 441d
11 C.F.R. § 100.5(g)
11 C.F.R. § 110.3(a)(1)
11 C.F.R. § 110.6(d)

INTERNAL REPORTS CHECKED: Disclosure Reports/Contributor Indices

FEDERAL AGENCIES CHECKED: Internal Revenue Service website

I. INTRODUCTION

Complainant generally alleged that the New Democrat Network¹⁰ ("NDN"), Dooley for Congress, and a number of other committees made and accepted excessive contributions during the 2000 election cycle by virtue of being affiliated with one another. Complainant further alleged that the violations were knowing and willful. All the responses denied these allegations.¹¹ Although the available information suggests that certain members of Congress

⁸ Michael A. Shrier was treasurer of Nelson 2000 at the time of the events described herein.

⁹ J. Howard Middleton, Jr. was treasurer of Robb for the Senate at the time of the events described herein.

¹⁰ The complaint erroneously refers to the New Democrat Network as the New Democratic Network.

¹¹ The only respondent who did not file a response was Linda Chapin for Congress. References in this report to the "NDN Respondents" refer to those respondents who filed a common response through joint counsel. Specifically, these respondents include the following individuals and political committees (treasurers not listed): NDN, Sue Brodsky Burnett, Calvin M. Dooley, Timothy J. Roemer, John B. Breau, Joseph I. Lieberman, Bob Graham, Mary L. Landrieu, Blanche Lambert Lincoln, James P. Moran, Jr., Adam Smith, Dooley for Congress, Hoosiers for Tim Roemer, Mike Ross for Congress Committee, Schiff for Congress, Susan Davis for Congress,

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1 were involved in NDN's formation, sat on its executive committee, helped raise funds and
2 received contributions from or earmarked through NDN, this Office believes that, on balance,
3 there is insufficient evidence to support reason-to-believe findings based on an affiliation theory.
4 However, concerning an allegation that certain NDN solicitations did not include proper
5 disclaimers, this Office recommends the Commission find reason to believe NDN violated
6 2 U.S.C. § 441d, send an admonishment and close the file.

7 **II. FACTUAL AND LEGAL ANALYSIS**

8 **A. Background of NDN**

9 NDN registered as a political committee with the Commission on June 17, 1996 and
10 qualified as a multicandidate PAC six months later.¹² NDN was founded by Senators Joseph
11 Lieberman and John Breaux, along with "former Clinton campaign aide" and current NDN
12 president and treasurer Simon Rosenberg. Attachment 1 at 1, 22; Attachment 2 at 2. NDN's
13 reports show that it raised contributions and made disbursements during each election cycle
14 from its inception through calendar year 2002.¹³ Shortly after registering, in response to a

Elaine Bloom for Congress, Lauren Beth Gash for Congress, Byrum for Congress, Matheson for Congress, Citizens to Elect Rick Larsen, Friends of Jane Harman, Baesler for Congress, Inslee for Congress, Rush Holt for Congress, Inc., Adam Smith for Congress, Moore for Congress, Carper for Senate 2000, Bill Nelson for U.S. Senate, Stabenow for U.S. Senate, Carnahan for Senate Committee, Nelson 2000 and Robb for the Senate.

¹² A Dun & Bradstreet report shows that, on July 8, 1996, NDN filed as a non-profit corporation in the District of Columbia. See 11 C.F.R. § 114.12(a) (a political committee may incorporate for liability purposes without being subject to the rules regarding corporations).

¹³ On January 31, 2003, NDN filed a termination report. By letter dated March 11, 2003, this Office notified counsel for NDN that the political committee could not terminate while MUR 5121 was still open. NDN's most recently filed report, the 2003 Mid-Year Report, disclosed no receipts, disbursements or cash-on-hand. On March 3, 2003, NDN's treasurer, Simon Rosenberg, filed a Statement of Organization for a new separate segregated fund ("SSF") called "The New Democrat Network PAC," naming himself as treasurer and listing "The New Democrat Network" as that PAC's connected organization. Since early 2003, it appears that NDN's website no longer allows the general public (i.e., non-members) to make political contributions online, in conformance with the Commission's regulations regarding corporate communications. See, e.g., 11 C.F.R. § 114.2. Currently, the only reference to a political committee on the website is found on a page enabling Internet visitors to "join" NDN by making an on-line payment of \$35: "Our federal PAC, NDN PAC, is funded by the members of the New Democrat Network." See <<https://www.newdem.org/join>>. Unless stated otherwise, the references to "NDN" in this Report will refer to the respondent PAC and not to the SSF or its connected organization, and this Office's descriptions of

1 Request for Additional Information, NDN submitted an amended Statement of Organization
2 listing "NONE" under "Name of any . . . affiliated committee." In addition to its federal
3 account, NDN also operates a non-federal account registered with the Internal Revenue Service
4 ("IRS") as a "section 527 organization." See 26 U.S.C. § 527(i). In an IRS filing signed by
5 NDN's treasurer on July 28, 2000, the non-federal account lists only NDN's federal account as
6 a "Related Entity."¹⁴ <<http://efforms.irs.gov>>.

7 During the 2002 election cycle, NDN's website, <<http://www.newdem.org>>, stated that
8 NDN supported federal, state and local candidates who advocate certain listed positions, and
9 provided "political intelligence" to contributors through its process of "exhaustively vet[ting]
10 candidates and endors[ing] only those who meet our narrowly defined criteria." Attachment 2 at
11 2-3. Before receiving support from NDN, "candidates must fill out a comprehensive
12 questionnaire and undergo a personal interview with NDN staff." *Id.* at 3.

13 Once NDN decided which federal candidates to support, it raised money and contributed
14 to them in the following ways. First, NDN raised funds from PACs and individuals for its own
15 federal account and then made contributions in its own name to candidates. Through 2002, when
16 an Internet visitor to the NDN website accessed the hyperlink for contributing to NDN, a web
17 page appeared that permitted the user to make an online credit card contribution directly to NDN.
18 A disclaimer stating "Paid for by the New Democrat Network" appeared at the end of the
19 solicitation. *Id.* at 7-8.

NDN's operations – particularly regarding its website – are applicable only to the period of time spanning the
alleged activities.

¹⁴ For section 527 organizations, two entities are "related" if they have, *inter alia*, "significant common
purposes and substantial common membership, or directly or indirectly substantial common direction or control."
26 U.S.C. § 168(h)(4).

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1 Second, NDN acted as a conduit for earmarked contributions whereby donors could
2 designate contributions to NDN's "top" federal candidates by mailing their checks to NDN,
3 made out to the candidates of their choice, or by designating their contributions to such
4 candidates via the NDN website, payable by credit card. *Id.* at 5. The hyperlink on NDN's
5 website to NDN's "Candidates" directed the user to a web page that listed candidates in
6 "targeted races."¹⁵ *Id.* at 3, 9. The user could "click" on the names and photos of the NDN
7 candidates to access biographical information and to contribute to their campaigns online in
8 amounts from \$25 to \$1,000. *Id.* at 9-10. Disclaimers at the bottom of the web pages stated that
9 the solicitations are "Paid for by the New Democrat Network and authorized by [name of
10 candidate committee]." NDN's disclosure reports for the period in question indicate that it
11 forwarded and disclosed earmarked contributions to numerous committees and reported the
12 associated solicitation costs as in-kind contributions. *See* 2 U.S.C. §§ 434(b) and 441a(a)(8);
13 11 C.F.R. §§ 102.8, 104.13 and 110.6.

14 The NDN website also included links for accessing web pages for the [House] New
15 Democrat Coalition and the Senate New Democrat Coalition. *Id.* at 6. The [House] New
16 Democrat Coalition was formed as a Democratic caucus in 1997 by Representatives Cal Dooley,
17 Jim Moran and Tim Roemer. *See* <<http://www.house.gov/adamsmith/NDC/ndc.html>>. Its
18 counterpart in the Senate, the Senate New Democrat Coalition, was formed in 1999 by a group of
19 several senators, including Senators Lieberman and Breaux. Attachment 1 at 11-12. News

¹⁵ It appears that Internet users were able to view contribution solicitations and contribute to NDN's preferred candidates online as far back as November 1999. *See, e.g.,* <<http://www.newdem.org/news/951710263.shtml>>; *Newsbytes News Network*, November 17, 1999 (NDN's "revamped website allows visitors to view streaming video presentations by all 11 of NDN's current endorsed candidates, and – perhaps most importantly – to make online contributions to their campaigns, even if the candidates themselves do not yet have that capacity on their websites"). Attachment 1 at 42-43.

1 reports have variously described NDN as the "political arm" or "fundraising arm" of the New
2 Democrat Coalition. *Id.* at 13-16.

3 NDN's web page for the [House] New Democrat Coalition included the names and
4 respective districts of all Representatives who were members of that caucus. The web page
5 instructed the Internet user to "[c]lick on their names . . . to contribute to their campaigns
6 online." Attachment 2 at 11. The web page for the Senate New Democrat Coalition contained
7 the names and respective states of all Senators who were members of that caucus and instructed
8 the Internet user to "[c]lick on their names . . . to contribute to their campaigns online." *Id.* at 15.
9 The contribution web pages contained the following disclaimer: "Paid for by the New Democrat
10 Network and authorized by [name of candidate committee]." NDN also hosted fundraisers to
11 raise campaign funds for its favored candidates, and various members of Congress also have
12 solicited contributions on behalf of NDN. Attachment 1 at 5, 34-37.

13 **B. The Complaint**

14 **1. NDN and Cal Dooley**

15 The Complaint primarily focused on the relationship between Representative Cal Dooley
16 and NDN. Complainant alleged that Representative Dooley has taken numerous contributions
17 from individuals who have contributed to both NDN and Dooley for Congress and that,
18 "[b]ecause the committees are affiliated, these contributions exceed the limits proscribed under
19 the Act." Complaint at 4. Complainant claimed that, "because of Dooley's hands-on
20 involvement, the violations are knowing and willful," and that he is "funneling funds into his
21 own campaign, and using . . . NDN as his own personal slush fund." *Id.* To support these
22 allegations, Complainant provided copies of NDN web pages containing Cal Dooley's biography
23 and links to facilitate online contributions to his campaign.

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1 Complainant asserted that Representative Dooley "is clearly in a position of leadership
2 within . . . NDN as evidenced by his position as Co-Chair, his signature on releases and letters to
3 potential supporters, and by statements of his peers acknowledging him as NDN's 'visible
4 leader.'"¹⁶ *Id.* at 3. Complainant stated that Representative Dooley "would certainly have
5 control over decisions made within . . . NDN and regarding . . . NDN's support of Democratic
6 candidates for Congress," and concluded that "his position as Co-Chair of NDN and his obvious
7 control over his own campaign committee, provides substantial evidence that the committees are
8 in fact affiliated." *Id.*¹⁷

9 The complaint included a "solicitation" letter signed by Dooley as a "Member of
10 Congress" and Simon Rosenberg as "President & Founder" of NDN. The letter is addressed
11 "Dear Friend" and tells the reader that "once you learn about NDN, you will want to join our
12 fast-growing national network of supporters." The letter informs the reader that "NDN is special
13 among PACs: we provide not only the political support that candidates need to win elections,
14 but also the intellectual guidance they need to make effective public policy." The letter
15 references attached "background information on NDN," and encourages the reader to "visit our
16 first-class website at www.newdem.org." Other NDN literature, apparently included with the
17 letter, contains the same or similar information as found at NDN's website. Under the heading
18 "How Do I Join NDN?" the reader is told that, "[t]hrough our website, you can also contribute

¹⁶ The complaint erroneously refers to both Cal Dooley and Tim Roemer as "Co-Chairs" of NDN. Rather, Cal Dooley and Tim Roemer served as co-chairs of the New Democrat Coalition in the House of Representatives. The current co-chairs of the New Democrat Coalition are Representatives Jim Davis, Ron Kind and Adam Smith. See <<http://www.house.gov/adamsmith/NDC/ndc.html>>. Dooley, Roemer and six other House members serve on the "Executive Council" of the New Democrat Coalition. See <http://www.house.gov/adamsmith/NDC/ndc_contacts.html>.

¹⁷ The complaint referenced an October 11, 2000 article in *The Hill* entitled "New Democrats support embattled Rep. Dooley," in which NDN's press secretary states that it has raised "over \$125,000" for Dooley's campaign. This article, which was not attached to the complaint, contains the "visible leader" quote referenced by Complainant. Attachment 1 at 38.

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1 directly online to our top New Democrat candidates, as well as to NDN. NDN's website accepts
2 federal contributions from individuals made out either to NDN or to any of our top candidates,
3 payable either by Visa or Master Card."

4 2. NDN and other committees

5 Complainant claimed that "NDN's contributions to other committees are indicative of a
6 relationship with other self-described members and beneficiaries of NDN," such that their
7 campaign committees may be affiliated with NDN. Complaint at 4. Complainant asserted that
8 NDN's requirement for recipient candidates to "undergo a personal interview" and complete a
9 "comprehensive questionnaire" shows that a "formal or ongoing relationship" exists between
10 NDN and the candidates. *Id.* "At a minimum," the participation of the candidates "demonstrates
11 collusion" that implicates them in NDN's "scheme." *Id.* The complaint, citing to 11 C.F.R.
12 § 100.5(g)(4)(ii)(J) (affiliation criterion focusing on whether committees "have similar patterns
13 of contributions or contributors"), asserted that "[o]ne need look no further than . . . NDN's own
14 literature and publicly available FEC reports to see a pattern of giving." *Id.*

15 The complaint included a copy of an NDN list of "25 deserving New Democrats" as of
16 July 27, 2000, containing the letterhead "NDN News."¹⁸ Below the list, NDN informs the reader
17 that "NDN can provide financial support beyond the limit of \$10,000 that NDN can give per
18 election," and that "we must help raise more than our legal limit – from supporters like you."

¹⁸ The list groups the "deserving New Democrats" into three categories: "U.S. Senate Candidates" ("Tom Carper, Bill Nelson, Zell Miller, Debbie Stabenow, Mel Carnahan, Ben Nelson, Chuck Robb"); "U.S. House Incumbents" ("Cal Dooley, Jim Maloney, Dennis Moore, Rush Holt, Jay Inslee, Adam Smith"); and "House Open Seat & Challengers" ("Mike Ross, Mike Honda, Adam Schiff, Jane Harman, Susan Davis, Linda Chapin, Elaine Bloom, Lauren Beth Gash, Scotty Baesler, Dianne Byrum, Jim Matheson, Rick Larsen"). NDN's disclosure reports indicate that NDN has raised contributions for many other federal candidates aside from those listed in its website and in other literature. The principal campaign committees of the listed candidates are all included as respondents in this matter, with the exception of the Lieberman 2000 Committee. Regarding Senator Lieberman, Gore/Lieberman, Inc. has been named as the appropriate respondent committee, as this committee was active during the activities in question and referenced in NDN literature attached to the complaint (e.g., "we are looking forward to working to elect the New Democrat team of Gore-Lieberman").

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Complainant asserted that that such statements constitute admissions that NDN is raising illegal contributions. Complainant added that "they even tell individuals they 'can give up to \$10,000 to a candidate for federal office each election cycle'" *Id.* at 6 (emphasis in original). The complaint contended that the candidate list was sent to "thousands." *Id.* at 2.

A disclaimer at the bottom of the page states "Paid for by the New Democrat Network." A footnote in the complaint claims that the "disclaimer on the solicitation is incorrect" because "[i]t does not explicitly state whether or not it was authorized by the campaigns for which it solicits funds." *Id.* at 6, fn. 3.

C. The Responses

All of the responses denied Complainant's allegations that NDN was affiliated with any campaign committee or that NDN's fundraising activities on behalf of any committee resulted in violations of the Act or Commission regulations.

1. The NDN Respondents

The NDN Respondents denied that any member of Congress, including Cal Dooley, "chooses the recipients of NDN's support," asserting that "decisions as to which candidates to support are made by [NDN] staff based on an evaluation of whether each candidate supports the pro-growth, New Democrat agenda."

Attached to their response is the sworn affidavit of NDN president and co-founder Simon Rosenberg, who provided the following relevant statements:

[] No candidate for or Member of Congress sits on NDN's board of directors.

[] No candidate for or Member of Congress can or does dictate how NDN funds are spent. Major decisions are and always have been made by NDN staff, under my direction.

[] Decisions as to whether to endorse and contribute to particular candidates are made by NDN staff. Prior to receiving NDN's support, candidates must fill out a

comprehensive questionnaire and undergo a personal interview with NDN staff. Then, in deciding how to allocate NDN's resources, my staff and I consider factors such as: the answers and ideology of the candidate; our perception of the strength of the candidate and campaign; whether the race is close; the needs of the candidate; and input from knowledgeable campaign handicappers, including federal, state, and local politicians and Democratic Party Committee staff.¹⁹

[] NDN has established an honorary "executive committee," currently comprised of Senators John Breaux, Bob Graham, Mary Landrieu, Joe Lieberman and Blanche Lincoln, and Representatives Cal Dooley, Harold Ford Jr., Jane Harman, Jim Moran and Adam Smith. None of these individuals plays a larger role than any other.

[] The members of the executive committee do not direct the day-to-day operations of the organization. Rather, they provide vision and moral and financial support for NDN. They provide ideas, help to shape the goals and broad direction of NDN, attend NDN events, and help raise funds for the organization. None has authority to disburse or command the expenditure of NDN funds.

Neither the response nor the supporting affidavit state specifically whether NDN's executive committee, or any member of Congress serving on that committee, are among those with input in connection with NDN's disbursements or expenditures. The response notes only that Cal Dooley "serves" on the committee and "occasionally signs fundraising letters on NDN's behalf," but that he "does not personally select the roster of candidates that NDN supports."

The response asserted that Complainant, in citing to the affiliation criterion examining "similar patterns of contributions or contributors" (11 C.F.R. § 100.5(g)(4)(ii)(J)), "completely ignores the total lack of a formal relationship between NDN and any of the other respondents." In citing to Advisory Opinion ("AO") 2000-36, the NDN respondents pointed out that "similar contribution patterns alone do not necessarily indicate affiliation." They suggested that such patterns may result from independent judgment, and stated that the fact that "donors who support

¹⁹ Regarding the question and interview process cited by Complainant as evidence of "collusion" between NDN and its preferred candidates, the NDN respondents observed that, "[f]ar from being an indicia [sic] of the kind of control the complainant has utterly failed to show," the questionnaire and interview requirement "prove just the opposite: that funding decisions are made not on the basis of the influence of any of the respondents, but rather based on an objective assessment of the candidate's positions on the issues."

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NDN and its goals would also support candidates who espouse those goals simply shows that the donors are exercising their independent judgment wisely."

Regarding NDN's efforts in soliciting contributions on behalf of federal candidates and serving as a conduit for such contributions, the response claimed that NDN's limits are not affected by the forwarding of an earmarked contribution unless the conduit exercises "direction or control" over the choice of the recipient candidate, as provided at 11 C.F.R. § 110.6(d). Citing to AO 1980-46, the NDN Respondents noted that "[a]s long as the individual contributors retain the choice as to whether to give, how much to give, when to give, and to whom to give, the Commission has ruled that the contributions count only against the contribution limits of the individual donors, and not the limits of the conduit."

The NDN Respondents stated that NDN "gave of its own PAC funds" in key races in 2000 and recommended those candidates to its supporters. In doing so, NDN "hoped to raise funds, in addition to its own contributions, for its endorsed candidates, in full compliance with election laws." The NDN Respondents asserted that the materials attached to the complaint, in which NDN explains its basic fundraising approaches (i.e., contributions directly to NDN and contributions to candidates through NDN) demonstrate NDN's "lawful" activities.

The NDN Respondents did not respond to Complainant's allegation that the solicitation list attached to the complaint failed to include a proper disclaimer.

2. Other Respondents

Zell Miller for Senate, Inc. responded that it was not named in the complaint and, further, it "has not received any contributions from NDN and is not involved in . . . NDN's activities in any way." Accordingly, Zell Miller for Senate, Inc. requested that the Commission find no reason to believe that it violated the Act.

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1 Friends of Jim Maloney responded that Complainant has "made no specific allegation
2 and offered no evidence of any contacts, impermissible or otherwise, between NDN and the
3 [Maloney] committee." The response pointed out that, "[t]o date, NDN has made a total of
4 \$1,140.79 in contributions to the [Maloney] committee, well within the limits set forth at
5 2 U.S.C. § 441a(a)(2)." In addition, the response stated that:

6 Contrary to NRCC assertions, it is irrelevant whether or not the [Maloney]
7 committee shared information with NDN in the form of interviews or
8 questionnaires, either before or after receiving a contribution. Nothing prohibits a
9 candidate from providing information to a qualified multi-candidate committee in
10 the hopes, or with the intention, that the committee will contribute to the
11 campaign. In fact, that is precisely how candidates raise money for their
12 campaigns – by providing information to likely contributors.
13

14 Friends of Jim Maloney concluded that there is no "relevant connection between the
15 complaint, the [Maloney] committee's acceptance of permissible NDN contributions and a
16 violation of the Act by the [Maloney] committee."

17 Gore/Lieberman, Inc. responded that the few references to Senator Lieberman in the
18 complaint and attachments (e.g., that "NDN was founded by Democrat Senators Joe Lieberman
19 and John Breaux") fail to describe a violation of the Act and do not constitute solicitations to
20 Gore/Lieberman, Inc. The response asserted that Gore/Lieberman, Inc. has not received any
21 financial support from NDN, and concluded that the "scant facts allegedly tying
22 Gore/Lieberman, Inc. to the actions of . . . NDN are speculative at best and cannot serve as [a]
23 basis for any Commission finding."

24 Mike Honda for Congress, which noted that it is "coordinating [its] response" with
25 counsel for the NDN Respondents, asserted "there is nothing stated in the body of the complaint
26 or any attachments which complains of or describes any arguably illegal activities by the Mike
27 Honda for Congress committee." The response noted that "Mr. Honda went through minor

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1 procedures in regard to the NDN endorsement,” such as filling out an application, but such
2 contacts do “not make Mike Honda or his campaign responsible for unknown and unauthorized
3 activities of . . . NDN, nor does it make them an ‘affiliate’ of . . . NDN.” The response claimed
4 that Mike Honda was not a member of NDN “[a]t the time these matters arose” and “had no part
5 in the organization’s activities.” In addition, he “never held a leadership position, took a
6 leadership role, or had any right to control the activities of . . . NDN, which was totally
7 independent from Mr. Honda and his principal campaign committee.” Mike Honda for Congress
8 acknowledged receiving contributions from NDN (less than \$5,000 in 2000) and implied that it
9 may have received contributions from individuals who also contributed to NDN, but asserted that
10 NDN did not exercise direction or control over such contributions, citing AO 1980-46. The
11 response concluded that Mike Honda for Congress should not have been added to the complaint
12 and “is entitled to dismissal without further action.”²⁰

13 **D. Affiliation-Related Allegations**

14 **1. The Law**²¹

15 The Federal Election Campaign Act of 1971, as amended (“the Act”), states that for
16 purposes of the limitations set forth in 2 U.S.C. §§ 441a(a)(1) and 441a(a)(2), all contributions
17 made by political committees “established or financed or maintained or controlled by any . . .
18 person . . . or by any group of . . . persons, shall be considered to have been made by a single

²⁰ Mike Honda for Congress described its submission as a “preliminary response” that “will be supplemented as more information becomes available.” To date, this Office has received no supplemental response.

²¹ All of the facts in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act herein are as it read prior to the effective date of BCRA and all citations to the Commission’s regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission’s promulgation of any regulations under BCRA.

political committee.”²² 2 U.S.C. §§ 441a(a)(5). Committees established, financed, maintained or controlled by the same person or group of persons are “affiliated committees.” 11 C.F.R. § 100.5(g). Contributions made to or by such committees shall be considered to have been made to or by a single committee. 11 C.F.R §§ 100.5(g) and 110.3(a)(1).

When registering with the Commission, a political committee must include in its Statement of Organization “the name, address, relationship, and type of any connected organization or affiliated committee.” 2 U.S.C. § 433(b)(2).

In determining whether committees are affiliated, the Commission considers several factors and examines these factors in the context of the overall relationship between committees to determine whether the presence of any factor or factors is evidence of one committee having been established, financed, maintained or controlled by another committee. 11 C.F.R. § 100.5(g)(4)(ii). Such factors include those identified in Section 100.5(g)(4)(ii) but are not limited to those factors.

2. Analysis

a. Relationship Between NDN and Dooley for Congress

Although Representative Dooley was a leader of the New Democrat Coalition, helped raise funds for NDN, received direct and earmarked contributions from NDN and shared a number of common contributors with it, this Office believes that the totality of circumstances does not support reason-to-believe findings against Dooley, his campaign committee or NDN based on an affiliation theory.

The Complainant alleged that the leadership positions held by Representative Dooley with NDN and his own campaign committee provide substantial evidence that the two committees are affiliated. *See* 11 C.F.R. § 100.5(g)(4)(ii)(B)-(F). Cal Dooley apparently held no

²² Section 441a(a)(5) provides specific exceptions, none of which is relevant here.

1 official position with NDN other than serving on an honorary executive committee comprised of
2 at least ten members of Congress,²³ but he served as one of three co-chairs of the (House) New
3 Democrat Coalition during the time of the events alleged in the Complaint. Given the reported
4 connections between NDN and the New Democratic Coalition, as well as NDN's endorsement
5 of, and its inclusion of contribution links for each member of the New Democrat Coalition on its
6 website, it appears there is a close relationship between the two entities.

7 Dooley and the other members of NDN's executive committee may well have had the
8 opportunity to "participate in the governance of [NDN] through . . . informal practices or
9 procedures." 11 C.F.R. § 100.5(g)(4)(ii)(B). Moreover, Dooley's co-chairmanship of the New
10 Democratic Coalition may have afforded him additional such opportunities. However, according
11 to the sworn affidavit submitted by NDN's president, while the members of the executive
12 committee "provide vision and moral and financial support" (including raising funds for NDN),
13 they do not direct NDN's "day to day operations" and cannot "command" the expenditure of
14 NDN funds. The affidavit also declares that no member of Congress sits on NDN's board of
15 directors,²⁴ and that contribution decisions are made by NDN staff based on several factors, such
16 as the candidate's ideology, the closeness of the race and the input of "federal, state and local"
17 politicians and staff of the Democratic Party. Other than Dooley's membership on NDN's
18 executive committee, this Office has uncovered no instances of overlapping staff or common
19 officers between NDN and Dooley for Congress or Dooley's congressional office.

²³ A news article discussing the complaint reported that Dooley claimed to have "no official title" with NDN and quoted him as follows: "There is absolutely no official link between my personal campaign and the NDN." *Roll Call*, October 23, 2000. Attachment 1 at 40. The NDN fundraising letter attached to the complaint was signed by Dooley as a "Member of Congress," and did not reference any position with NDN.

²⁴ The NDN respondents did not identify any board members or define the board's scope of authority in their response. A news article states that NDN has an "advisory board" that includes several "Democratic political operatives," none of whom currently serves in Congress or is a federal candidate. *National Journal*, December 1, 2001. Attachment 1 at 3.

NDN appears to have forwarded earmarked contributions to Dooley for Congress in 1999 and 2000 totaling \$41,200 from individuals and \$97,500 from PACs. *See* 11 C.F.R. § 100.5(g)(4)(ii)(H) (committee "arranges for funds in a significant amount . . . to be provided to another" committee). These earmarked contributions represent approximately 8% of the Dooley campaign's total receipts during the same period. However, there is no information indicating these amounts were vastly different from the amounts NDN forwarded to the campaigns of other federal candidates who sat on its executive committee and who were endorsed on its website. Further, as noted *supra*, NDN appears to have reported the associated costs as in-kind contributions to the recipient committees.

Regarding other "funds or goods in a significant" amount provided by NDN, *see* 11 C.F.R. § 100.5(g)(4)(ii)(G), NDN disclosed a \$5,000 direct contribution to Dooley for Congress for the 2000 primary election. For the 2000 general election, NDN disclosed a \$3,000 direct contribution to Dooley for Congress and \$738.37 in in-kind contributions. NDN listed the purposes of the in-kind contributions variously as "Fax Services," "Employee Time-Dooley Event," "Website" and "Bank Fees." However, these contributions did not exceed the limits of 2 U.S.C. § 441a(a)(2)(A), and NDN's reports indicate that it made larger aggregate contributions to several other candidate committees during the same period. In sum, this Office has not uncovered any information indicating that NDN provided funds, goods or services to Cal Dooley or Dooley for Congress that distinguishes Dooley from other congressional members of NDN's executive committee.²⁵

²⁵ Following the 1999-2000 election cycle, Dooley for Congress started renting a "cubicle" at NDN's Capitol Hill headquarters, for campaign staff. Attachment 1 at 1. Dooley for Congress' 2001 Year End Report discloses disbursements to NDN for "Office Space Rental" as follows: \$400 on September 15, 2001, \$800 on October 15, 2001 and \$268.08 on December 3, 2001. These figures were reported as receipts by NDN in its 2001 Year End Report. Based on the available information, including the reporting of \$1,468 in rental receipts by NDN from Dooley for Congress for the last quarter of 2001, the payment for office space at NDN does not suggest any transfer of free or undervalued goods or services.

1 The NDN Respondents acknowledged that Cal Dooley “occasionally” signs fundraising
2 letters, and the complaint included one such letter signed “The Honorable Cal Dooley, Member
3 of Congress.” The available information does not indicate the extent of Dooley’s fundraising
4 assistance. This Office notes, however, that other members of Congress frequently assisted
5 NDN in raising funds. *See, e.g.*, Attachment 1 at 34-37.

6 This Office has also examined the disclosure reports of NDN and Dooley for Congress
7 for possible patterns of contributions or contributors. *See* 11 C.F.R. § 100.5(g)(4)(ii)(J).
8 Although NDN solicits contributions for selected candidates, it does so through an earmarking
9 program, in which it acts as a conduit for contributions designated and controlled by the
10 contributors. NDN received contributions from over 300 individuals during the 2000 election
11 cycle, and Dooley for Congress received contributions from over 600 individuals during the
12 same time period. Of these contributors, this Office has identified approximately 50 individuals
13 who contributed to both NDN and Dooley for Congress during the same election cycle.
14 Accordingly, approximately 1/6 of NDN’s itemized contributors also contributed to Dooley for
15 Congress, and approximately 1/12 of the Dooley campaign’s itemized contributors also
16 contributed to NDN. These figures, however, appear to fall roughly within the same range of
17 common contributor patterns between NDN and several other campaign committees.

18 In weighing the available information, this Office recognizes that certain relevant
19 information bearing on affiliation – such as Dooley’s membership on NDN’s “honorary”
20 executive committee, his co-chairmanship of the closely-related New Democrat Coalition, the
21 funds and services exchanged between NDN and Dooley and his campaign committee, and the
22 level of common contributors – render the decision whether to recommend an investigation a
23 close call. We also recognize that Simon Rosenberg’s affidavit does not address whether Dooley

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1 participated in NDN's governance, particularly NDN's contribution or expenditure decisions,
2 during his tenure on the executive committee. However, given Rosenberg's otherwise
3 comprehensive affidavit describing the limited role played by the executive committee in NDN's
4 governance, the dilution of Dooley's possible influence as just one of ten congressional members
5 on the committee, and the lack of factors distinguishing Dooley's relationships with NDN from
6 those of other members of Congress, this Office believes that, on balance, the information falls
7 short of that needed to recommend reason-to-believe findings based on a theory of affiliation
8 between NDN and Dooley or his authorized committee.²⁶

9 Accordingly, this Office recommends that the Commission find no reason to believe that
10 the New Democrat Network and Simon Rosenberg, as treasurer, violated 2 U.S.C. § 433 by
11 failing to include Dooley for Congress as an affiliated committee in its Statement of
12 Organization, or 2 U.S.C. § 441a(f) by accepting excessive contributions in connection with the
13 affiliation-related allegations in the complaint. In addition, this Office recommends that the
14 Commission find no reason to believe that Cal Dooley or Dooley for Congress and Stephen J.

²⁶ We also note that NDN has attempted to restructure itself, transforming from a PAC with a Federal and non-Federal account to an SSF (registered under the name "The New Democrat Network PAC") and a connected organization. *See supra* footnote 13. Moreover, candidate endorsements and contributions links have been removed at least from the publicly accessible portions of the website. *See* <www.newdem.org>. Although this Office does not have any information as to the reasons behind NDN's reorganization, one reason (given that NDN had a non-federal account during the time at issue, that NDN was closely enough connected to sitting members of Congress to make the question of affiliation a close call, and that the reorganization occurred in early 2003) may be that BCRA would pose disincentives to involvement by Federal candidates/officeholders in an organization that might want to engage in activities funded by non-federal dollars. Accordingly, this Office notes that, in practical terms, the issues in this matter may be less than likely to arise in the future. We also note that NDN has requested termination and has had no activity (no cash-on-hand, receipts, disbursements or debts) since late 2002; therefore, pursuing NDN would likely raise legal questions about whether the Commission could pursue the recently formed SSF as a successor entity.

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1 Kaufman, as treasurer, violated any provision of the Act or Commission regulations in
2 connection with this matter.²⁷

3 b. Relationship Between NDN and other
4 Respondent Committees

5 Regarding the remaining respondent campaign committees, the complaint's allegations
6 focus on the questionnaire and interview requirement along with NDN's "pattern of giving" to
7 the respondent committees, as showing that a "formal or ongoing relationship" exists between
8 NDN and the candidates. However, although there may be a "relationship" between a
9 multicandidate committee such as NDN and the committees to which it contributes, that alone
10 does not constitute evidence of affiliation. As stated in the affidavit submitted by NDN's
11 president and as reported in news articles (e.g., Attachment 1 at 23-24), the interview and
12 questionnaire are part of a process by which members of NDN staff determine which candidates
13 will receive an endorsement and/or a contribution from NDN. Such activity does not establish a
14 basis for concluding that NDN and the campaign committees are affiliated.

15 Although listing the contributions made by NDN to each respondent committee during
16 the 2000 election cycle, Complainant has not alleged any particular pattern of giving to these
17 committees, much less any pattern of giving that distinguishes them from other committees to
18 which NDN has contributed (or as distinguished from contributions made to candidate
19 committees by other multicandidate PACs). This Office's examination of the Commission's
20 disclosure databases has not revealed any particular contribution pattern by NDN to the
21 respondent committees.²⁸

²⁷ Given this Office's no-reason-to-believe recommendations, it is not necessary to address Complainant's allegation that, in light of Dooley's "hands-on involvement," the affiliation-related "violations" of the Act by NDN and Cal Dooley were "knowing and willful."

²⁸ For the 2000 election cycle, NDN gave a range of contributions to the respondent committees, including, for example, \$0 to Zell Miller for Senate, Inc., \$136 to Elaine Bloom for Congress, \$1,664 to Friends of

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Accordingly, this Office recommends that the Commission find no reason to believe that the following respondents violated any provision of the Act or Commission regulations in connection with this MUR: Hoosiers for Tim Roemer and Christine A. Lauber, as treasurer; Mike Ross for Congress Committee and W. Herman Brown, as treasurer; Mike Honda for Congress and James E. Towery, as treasurer; Schiff for Congress and Stephen J. Kaufman, as treasurer; Susan Davis for Congress and Carolyn J. Witt, as treasurer; Linda Chapin for Congress and William A. Beckett, as treasurer; Elaine Bloom for Congress and Richard A. Berkowitz, as treasurer; Lauren Beth Gash for Congress and Barry J. Shapiro, as treasurer; Byrum for Congress and Hilda Patricia Curran, as treasurer; Matheson for Congress and Allen Sims, as treasurer; Citizens to Elect Rick Larsen and Robert Anderson, as treasurer; Friends of Jane Harman and Ted W. Licu, as treasurer; Baesler for Congress and Mike Foley, as treasurer; Inslee for Congress and Linda Mitchell, as treasurer; Friends of Jim Maloney, Inc. and Patricia Draper, as treasurer; Rush Holt for Congress, Inc. and Pamela H. Mount, as treasurer; Adam Smith for Congress and Katy Andrew, as treasurer; Moore for Congress and Constance Shidler, as treasurer; Carper for Senate 2000 and Patricia P. McGonigle, as treasurer; Bill Nelson for U.S. Senate and Peggy Gagnon, as treasurer; Zell Miller for Senate, Inc. and Keith W. Mason, as treasurer; Stabenow for U.S. Senate and Angela M. Autera, as treasurer; Carnahan for Senate Committee and Lisa L. Lindsey, as treasurer; Nelson 2000 and Susan K. Landow, as treasurer; Robb for the Senate and Thomas J. Lehner, as treasurer; and Gore/Lieberman, Inc. and Jose Villarreal, as treasurer.

Jim Maloney, Inc., \$3,736 to Inslee for Congress, \$5,000 to Susan Davis for Congress, \$7,000 to Friends of Jane Harman, \$7,545 to Carper for Senate 2000 and \$9,637 to Adam Smith for Congress.

c. Individual Respondents

Other than Representative Dooley, the only other individual respondents singled out by name in the text of the complaint are former Representative Tim Roemer and Senators Breaux and Lieberman. With respect to Tim Roemer, the complaint characterizes him as part of the leadership of NDN, later misidentifying him as co-chair of NDN, *see* footnote 16, and references news articles quoting Roemer. However, the complaint does not make a specific allegation that Roemer personally violated the Act. With respect to Senators Breaux and Lieberman, the complaint correctly identifies them as co-founders of NDN (along with Simon Rosenberg), but again does not specifically allege that they personally violated the Act.

Simon Rosenberg's sworn affidavit also includes Senators Breaux and Lieberman as part of NDN's "honorary" executive committee, but states that the members of the executive committee "do not direct the day-to-day operations of the organization," nor have the "authority to disburse or command the expenditure of NDN funds." Given the lack of a specific allegation against Senators Breaux and Lieberman and the affidavit's sworn statement that neither controlled NDN's expenditures in 2000, we do not recommend proceeding against them or their authorized committees.

With respect to all the individual respondents, the complaint included an attachment (which appears to be an NDN newsletter containing nearly identical information posted on NDN's website, *see* Attachment 2 at 1-5) that identified them, except for Tim Roemer, as NDN's leadership. The complaint, however, does not specifically allege how any of the individual respondents may have violated the Act. Simon Rosenberg's affidavit identifies, along with Senators Breaux and Lieberman, all of the other individual respondents, except Tim Roemer and

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1 Sue Brodsky Burnett,²⁹ as members of NDN's "honorary" executive committee and then attests,
2 as noted above, that members of this committee do not control NDN's day-to-day operations or
3 its expenditures. Therefore, based on the complaint and responses alone, there is insufficient
4 information to support reason-to-believe findings against these respondents on an affiliation
5 theory. *See* Statement of Reasons in MUR 4960 (Hillary Rodham Clinton for U.S. Senate
6 Exploratory Committee, issued December 21, 2000). Accordingly, this Office recommends that
7 the Commission find no reason to believe that Sue Brodsky Burnett, John B. Breaux, Joseph I.
8 Lieberman, Bob Graham, Mary L. Landrieu, Blanche Lambert Lincoln, Timothy J. Roemer,
9 James P. Moran, Jr. or Adam Smith violated the Act or Commission regulations in connection
10 with this MUR.

11 **E. Disclaimer Allegation**

12 As described earlier, the complaint attached solicitation literature that was not part of
13 NDN's website, including a list of 25 "deserving" candidates, under which NDN asks the reader
14 to "consider making contributions to at least two" of these candidates and to visit NDN's website
15 "where you can . . . give directly to the[] campaigns on-line" Located at the bottom of the
16 solicitation is the disclaimer "Paid for by the New Democrat Network."

17 Whenever any person, including a political committee, solicits any contribution through
18 any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or
19 any other type of general public political advertising, such communication must include a
20 disclaimer. 2 U.S.C. § 441d(a). If the communication was authorized by a candidate, an
21 authorized committee of a candidate or an agent thereof, but paid for by other persons, the
22 disclaimer "shall clearly state" that the communication was paid for by such other persons and
23 authorized by such authorized committee. 2 U.S.C. § 441d(a)(2).

²⁹ The attachment identifies Sue Brodsky Burnett as a former executive director of NDN.

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1 As a public communication soliciting contributions on behalf of the 25 named candidates,
2 NDN's solicitation was required, but failed, to state whether it was authorized by any candidate
3 or candidate's committee. Accordingly, this Office recommends that the Commission find
4 reason to believe that the New Democrat Network and Simon Rosenberg, as treasurer, violated
5 2 U.S.C. § 441d.³⁰ In light of the recommendations to find no reason to believe concerning the
6 affiliation-related allegations at the core of the complaint, and given NDN's apparently limited
7 disbursements for the solicitation materials at issue,³¹ this Office recommends that the
8 Commission send an admonishment to the New Democrat Network and Simon Rosenberg, as
9 treasurer, and close the file.
10
11

³⁰ The other allegations surrounding the solicitation do not appear to describe any violations of the Act or Commission regulations. Although NDN published a list of its favored candidates for the 2000 general election and told readers "NDN can provide financial support beyond the limit of \$10,000 that NDN can give per election. . . . we must help raise more than our legal limit," it is apparent from the communication's context that NDN was referring to its earmarking program. The statement is in a paragraph entitled "Supporting Our Candidates," and the subsequent paragraph suggests that prospective contributors visit NDN's website where they can "give directly to [the candidates'] campaigns on-line via Visa or Mastercard." The communication does not solicit any contributions directly to NDN but rather only to the listed candidates, suggesting that the reader contribute "\$100 to at least two candidates," which is well within the \$1,000 contribution per election limit set forth at 2 U.S.C. § 441a(a)(1)(A). Complainant also claims "they [NDN] even tell individuals they 'can give up to \$10,000 to a candidate for federal office each election cycle'" (emphasis in original). The complaint presents the statement as taken directly from NDN's literature, but no such quote can be found in the attachments to the complaint, in NDN's website or in any other available resources. In any case, even assuming that NDN actually included the statement in a public communication, it would appear that NDN was referencing its own contribution limit of \$5,000 per candidate per election, as set forth at 2 U.S.C. § 441a(a)(2)(A).

³¹ NDN reported a \$1,600 "Printing" expense to "Kinko's" in a Schedule H4 (federal share \$480 or 30%, non-federal share \$1,120 or 70%) attached to its August 2000 Monthly Report. The expense was dated July 27, 2000, the same date printed at the top of the solicitation. Concerning the distribution of the solicitation, the complaint claims that the candidate list was sent to "thousands." This Office has uncovered no information about how the solicitation was distributed or to whom it was sent.

III. RECOMMENDATIONS

1. Find reason to believe that the New Democrat Network and Simon Rosenberg, as treasurer, violated 2 U.S.C. § 441d, and send an admonishment letter.

2. Find no reason to believe that the New Democrat Network and Simon Rosenberg, as treasurer, violated 2 U.S.C. §§ 433 or 441a(f) in connection with the affiliation-related allegations in the complaint.

3. Find no reason to believe that Dooley for Congress and Stephen J. Kaufman, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter.

4. Find no reason to believe that Calvin M. Dooley violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter.

5. Find no reason to believe that the following respondents violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter:

Hoosiers for Tim Roemer and
Christine A. Lauber, as treasurer
Mike Ross for Congress Committee and
W. Herman Brown, as treasurer
Mike Honda for Congress and
James E. Towery, as treasurer
Schiff for Congress and
Stephen J. Kaufman, as treasurer
Susan Davis for Congress and
Carolyn J. Witt, as treasurer
Linda Chapin for Congress and
William A. Beckett, as treasurer
Elaine Bloom for Congress and
Richard A. Berkowitz, as treasurer
Lauren Beth Gash for Congress and
Barry J. Shapiro, as treasurer
Byrum for Congress and
Hilda Patricia Curran, as treasurer
Matheson for Congress and
Allen Sims, as treasurer
Citizens to Elect Rick Larsen and
Robert Anderson, as treasurer
Friends of Jane Harman and
Ted W. Lieu, as treasurer

1 Baesler for Congress and
2 Mike Foley, as treasurer
3 Inslee for Congress and
4 Linda Mitchell, as treasurer
5 Friends of Jim Maloney, Inc. and
6 Patricia Draper, as treasurer
7 Rush Holt for Congress, Inc. and
8 Pamela H. Mount, as treasurer
9 Adam Smith for Congress and
10 Katy Andrew, as treasurer
11 Moore for Congress and
12 Constance Shidler, as treasurer
13 Carper for Senate 2000 and
14 Patricia P. McGonigle, as treasurer
15 Bill Nelson for U.S. Senate and
16 Peggy Gagnon, as treasurer
17 Zell Miller for Senate, Inc. and
18 Keith W. Mason, as treasurer
19 Stabenow for U.S. Senate and
20 Angela M. Autera, as treasurer
21 Carnahan for Senate Committee and
22 Lisa L. Lindsey, as treasurer
23 Nelson 2000 and
24 Susan K. Landow, as treasurer
25 Robb for the Senate and
26 Thomas J. Lehner, as treasurer
27 Gore/Lieberman, Inc. and
28 Jose Villarreal, as treasurer
29

30 6. Find no reason to believe that the following respondents violated any provision of
31 the Federal Election Campaign Act of 1971, as amended, or Commission regulations in
32 connection with this matter:
33

34 Sue Brodsky Burnett
35 Timothy J. Roemer
36 John B. Breaux
37 Joseph I. Lieberman
38 Bob Graham
39 Mary L. Landrieu
40 Blanche Lambert Lincoln
41 James P. Moran, Jr.
42 Adam Smith
43

44 7. Close the file.
45
46

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8. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Date

10/3/03

BY:

Rhonda J. Veddingh
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